

Remarks for the "Response to Non-Final Office Action dated 8/8/2006"

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-23 are presently pending. Claims amended herein are 1-11 and 13-23. Claims withdrawn or cancelled herein are 12. New claims added herein are none.

Summary of Interview

[0004] Examiner Neveen graciously talked with me—the undersigned attorney for the Applicant—on January 23, 2007. I greatly appreciate the Examiner Neveen's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] In that discussion, I explained one or more of the implementations described in the Application and how the amended claims cover those implementations. Examiner Neveen indicated that she understood my description and the claims as amended. Furthermore, we agreed that the existing §§ 102/103 rejections are most likely moot in light of the amended claims. But Examiner Neveen wanted to look at the cited art once again to be sure.

Formal Request for an Interview

[0006] If the Office's reply to this communication is anything other than allowance of all pending claims, then Applicant formally requests an

interview with the Examiner of this patent application. I encourage the Examiner to contact me—the undersigned attorney for the Applicant—to schedule a date and time for a telephone interview that is most convenient for both of us.

[0007] Please email me at kasey@leehayes.com. Please copy my assistant Carly Taylor (carly@leehayes.com) as well. While email works great for me, I welcome you to call either of us as well. (509-324-9256 x232)

Claim Amendments

[0008] Applicant amends claims in accordance with the telephone discussion with the Examiner and to overcome formal objections and substantive rejections. Such amendments are made to expedite prosecution and quickly identify allowable subject matter.

Claims Objection

[0009] In light of the amendments herein, Applicant submits that the objections are moot because the objected-to language is no longer in play in the claims. Accordingly, Applicant asks for a withdrawal of this objection.

Substantive Claim Rejections

Claim Rejections under § 101

[0010] The Office rejects claims 1, 14, and 19 under §101 because non-statutory subject matter (Action, p. 3). Again, in light of the amendments herein, Applicant submits that this rejection is moot because the rejected language is no longer in play. Furthermore, the amendments herein are done, in part, specifically to address this rejection. More particularly, the amendments to the preamble and the final "wherein" clause of each amended claim is provided specifically to overcome this rejection. Accordingly, Applicant asks the Examiner to a withdrawal this rejection.

Claim Rejections under § 112, 2nd ¶

[0011] The Office rejects several claims under §112, 2nd ¶ because of alleged indefiniteness (Action, pp. 4-5). Again, in light of the amendments herein, Applicant submits that this rejection is moot because the rejected language is no longer in play. Accordingly, Applicant asks the Examiner to a withdrawal this rejection.

Claim Rejections under §§ 102 and 103

[0012] The Office rejects all of the pending claims on grounds of § 102 and/or § 103. The primary reference for all rejections is Gillis (US Patent No. 6,286,035).

[0013] The claim amendments herein clarify the aspect of one or more implementations described in the Application that the Applicant wishes to claim. The result of that clarification is that the claims (as amended) differ from the cited art (namely, Gillis).

[0014] As described in the amendments herein, each command gets associated with at least one "execution element." The execution element may be (for example): a cmdlet, a function, a filter, an external script or an external executable. A cmdlet may be thought of as a name (e.g., a string in a particular position). When one wants to execute something, the name (e.g., the cmdlet) is mapped to an "executable element."

[0015] While a cmdlet is an example of an execution element, such an execution element may be generally thought of as a nearly executable "thing." In order for an executable element to be able to execute, it relies upon an execution-supporting operating environment that supplies all of the remaining execution details. An example of such an execution-supporting operating environment is the "administrative tool framework," which is described extensively throughout the Application.

[0016] Furthermore, the executable element may be, for example, an in-memory PowerShell class (also called a Cmdlet), a function or a filter (both of these are scripts written in the PowerShell language), or an external executable (some executable file found in your PATH [e.g. ipconfig.exe or ping.vbs]). That mapping between the string NAME and the executable element is the "association" mentioned above in the amendments.

[0017] The amendments herein are not new matter and are supported by the Application itself. In general, Fig. 13 (which is reproduced as an appendix hereto) and its related textual description cover the amendments. More particularly, such amendment are described here:

- "Parsing...": see the parser 220 shown in Fig. 13
- "sequence of object-based commands": see command string 1350
- "individual object-based commands": see commands 136, 1362, etc.
- "associating...": see cmdlets 1330, 1332, etc.
- "executing..." see Fig. 13 where executed cmdlets output objects 1340, 1341, 1342, etc.

[0018] In a telephone discussion (on 1/23/07), Examiner Neveen agreed that the proposed claim amendments covered one or more implementations described in this patent application. Furthermore, it was preliminarily agreed that the outstanding §§ 102/103 rejections were most likely moot in view of the new amendments.

[0019] In light of the telephone discussion with the Examiner, the amendments herein, and the reasoning provided above, Applicant respectfully asks the Examiner to withdraw the rejections of these claims.

Dependent Claims

[0020] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0021] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

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Respectfully Submitted,

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